

DRAFT CODE AMENDMENTS BUSINESS LICENSING FOR TOWN OF BRIGHTON

3/8/2021

(Note: Plain text is existing, currently adopted code)

TITLE 5- BUSINESS LICENSES AND REGULATIONS

5.02 PROCEDURE FOR OBTAINING LICENSE

5.02.040 License - Application - Fees, Penalties And Waivers

1. Each application for a license under this title shall be accompanied by the license fee required for the desired license.
2. In addition to the license fee regularly assessed, any applicant which shall have commenced doing business prior to obtaining a valid license shall be assessed a penalty fee equal to:
 1. Twenty-five percent of the regular license fee if the applicant has operated without a license for less than thirty days, or
 2. One hundred percent of the regular license fee if the applicant has operated without a license for more than thirty days during the year in question.
 3. For Short-Term Rental Licenses
 1. The date of operation starts the first day of the calendar year when the property is rented.
 2. There shall be a one-year grace period from the date of adoption until XX, 2022 where penalties for lack of a short-term business license shall be waived.
3. Any license which has been issued pursuant to payment by means of a check shall be void if such check is not honored.
4. Applications received by the license official shall be numbered in the order of their receipt.
5. Notwithstanding the provisions of subsection (B), above, the imposition of penalty fees may be waived for:
 1. New businesses which have located in the town and have not obtained a business license; and
 2. Existing businesses which have been licensed by the town and have been purchased by a new owner who has not reapplied for a business license.
 3. Penalty fees may be waived only upon the following conditions:
 1. The business makes application for a business license within seven calendar days after being notified by the town that such a license is required; or the business voluntarily makes application for a business license prior to notification by the town; and
 2. The business has either been located in the town for less than two years or the purchase of the business occurred less than two years prior to the business application.
6. Business license fees which are due for the current year or for prior years in which the business operated may not be waived under any circumstances.

Commented [PM1]: The penalty will be double the license fee (\$150) but not the amin fee. There is a \$650 fee if a unit is rented without a license.

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CHAPTER 5.19 SHORT-TERM RENTALS

5.19.010 - Short-term rental defined.

1. "Short-term rental" means any dwelling or condominium or portion thereof that is available for use or is actually used for accommodations or lodging of guests for a period of less than thirty consecutive days, wherein guests pay a fee or other compensation for said use.

2. No Short-term rental shall be offered, advertised, or rented in a non- residential building including but not limited to a vehicle parked on the property, a storage shed, trailer, Recreational Vehicle or any temporary structure, including, but not limited to, a tent or teepee.

3. Accessory dwelling Units are not permitted in the Town of Brighton. No Short-term rental is permitted to be in a separate dwelling unit on one property.

5.19.020 - License—Required.

It is unlawful to conduct or operate a short-term rental without having obtained a license therefor.

5.19.030 - License—Application—Contents.

A. Applications shall contain the following information:

1. The location of the short-term rental,
2. The number of rooms therein contained,
3. The number of persons the short-term rental will accommodate,
4. The name of a property manager,
5. A sales tax collection and accounting number,
6. The name, address and telephone number of a local responsible party who is available by telephone twenty-four hours per day,

7. and a diagram of parking locations and the number of parking spots.

~~8.~~ Such other information as the license official shall from time to time require.

B. The application shall include a statement by the applicant affirming that the applicant is currently in compliance with all legal requirements and has paid all applicable taxes, fees and other charges, including but not limited to the transient room tax.

5.19.040 - License—Application—Investigation.

A. 1. Applications shall be referred by the license official to the local fire agency and Salt Lake County Health Department or such other agency as the license official may deem appropriate to make or cause to be made an investigation of the short-term rental premises, the applicant and other relevant matters. Agency recommendation as to the issuance or denial of the license, based on the above inspections, shall then be referred to the license official for transmittal to the mayor for further review in accordance with the provisions of Sections 5.02.010 through 5.02.140 of this title.

~~A.~~ 2. If an applicant has been found to be operating a short-term rental without a business license for two separate rentals within a five-year period, then no business license shall be issued for twelve months after the most recent determination of such violation.

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B. A license that has been granted may be suspended or revoked without a refund for:

1. any violation of the provisions of this chapter, or for any of the reasons as contained in Section 5.07.020 of this title, ¹ or

~~4.2.~~ Two violations within a twelve-month period for any regulation under this Chapter.

Commented [PM2]: Do we want it to be any violation or 2 violations within 12 months?

C. Any appeal of a decision to deny, suspend or revoke a license shall be heard in accordance with those procedures established by Sections 5.02.140 through 5.02.180 of this title.

5.19.050 - License—Fee.

¹ (added in draft for your information)

5.07.020 Grounds For License Suspension Or Revocation

In addition to any fine imposed, every license or permit issued by the license official may be revoked or suspended by the mayor if it is determined that the licensee or permittee or principal, owner or applicant thereof:

1. Has been convicted of a felony or any crime involving moral turpitude;
2. Has obtained, or aided another to obtain, a license by fraud or deceit;
3. Has violated the laws of the United States Government, state of Utah, the ordinances of the city, or the rules and regulations of any agency of another governmental entity, governing the operation of the business holding a license or permit;
4. Has failed to pay personal property taxes, Utah state sales taxes, or other required fees;
5. Has refused to permit authorized officers or employees to make an inspection or to take a sample of a commodity, or has interfered with such officer or employee while making such inspection;
6. Has filed or encouraged another to file false information with the license office, the local law enforcement agency or any other agency as part of the license application; or
7. Has contracted with two or more independent contractors whose business licenses were subsequently revoked in final unappealable decisions during a twelve-month period for engaging in unlawful conduct under the Utah Massage Therapy Practice Act or Prostitution under the Utah Criminal Code on the licensee or permittee's leased or owned premises.

1. The annual fee for a license under this chapter shall be the same as the general business license fee, as defined in Section 5.08.040 of this title. A license with applicable fee is required for each separate short-term rental property.

2. A property manager may have a parent short term rental umbrella license so long as:

- a) all the units it manages is listed and pays the child umbrella short term license fee; and,
- b) all such units use the sales tax collection and sales tax accounting number of the Parent license.
- c) if a unit is no longer managed by the property manager and continues to be a short-term rental, the unit must apply for and receive a new business license before operating.

5.19.060 - Inspections for compliance.

After a license has been granted, the license official may make periodic inspections of a short-term rental to ensure compliance with this chapter and all other applicable law. All short term rental properties shall be inspected every three years.

5.19.063 Water Supply and Public Sewer required

The short-term rental dwelling unit shall be served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license. Black water holding tanks do not qualify as a public sewer system.

5.19.065 Minimum Rental Period of Two Nights

No short-term rental shall be for less than two nights (48 hours).

5.19.067 Maximum total number of days to be rented.

The maximum total number of days that a short-term rental can be rented is 180 days per calendar year.

5.19.070 - Maintenance—Structures and grounds—Other requirements and limitations.

A. A short-term rental shall be maintained to the following minimum standards:

1. Periodic housekeeping service shall be provided by the owner, including removal of trash to the nearest collection point, on at least a weekly basis. All trash and recycle containers must remain inside the home until they are taken to a trash collection point or dumpster to prevent wildlife from scattering trash. No trash or recycling can be left outside the dwelling. Owner shall provide directions on recycling protocols and location of dumpsters to tenants.
2. Short-term rentals may not be used for any of the following:
 - a. Commercial purposes not otherwise permitted in the zone;

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b. Distribution of retail products or personal services to invitees for marketing or similar purposes; or

c. The outdoor display of goods and merchandise for sale.

d. No short-term rental can exceed a maximum of 15 adults overnight. Any property wishing to accommodate 16 or more adult overnight guest must obtain a hotel license as required by Salt Lake County Code 19.04.300.

3. Structures shall be properly maintained, painted and kept in good repair.

4. Snow is removed by community snowplows as soon as feasible. Owner is responsible for paying road and driveway snowplow costs. Renter is responsible for light snow removal if necessary when no plows are present. Snow shovels must be provided to the renter for that purpose.

B. The access to the short-term rental unit and the layout of the short-term rental shall be designed so that noise and physical trespass from the short-term rental unit is not likely to be a substantial intrusion on adjoining properties. If the short-term rental unit is a single family home, duplex, condominium or other dwelling place and shares an access, hallway, common wall, or driveway with another dwelling, written consent of the owner of the other dwelling is required.

C. Responsible Party.

1. The licensee must designate a responsible party who is an individual or property management company who can respond on site within two hours, residing or maintaining an office in Salt Lake County.

2. The responsible party is personally liable for failure to properly manage the short-term rental.

3. The responsible party must be available by telephone, or otherwise, twenty-four hours per day and must be able to respond to inquiries within twenty minutes of receipt of an inquiry.

D. The licensee must have a sales tax collection and sales tax accounting number for the rental operation and the sales tax number must be included on the short-term rental application. All applicable taxes, charges and fees, including the transient room tax, must be paid in full during the period of licensure.

E. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses. Quiet hours are 10 pm-7 am. Information about quiet hours shall be posted inside the short-term rental. It is the responsibility of the owner or property manager to prevent nuisance behavior and maintain neighborhood peace and quiet.

F. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.

G. No outside burning is allowed in the Town of Brighton. Campfires must be contained in a pit that meets UFA regulations:

Commented [PM4]: This citation may change if TOB gets its own land use authority.

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Commented [PM5]: There is already a requirement that someone must be available 24/7 to respond to inquiries – but it is typical to have a requirement that someone be able to be on site.

Commented [PM6]: There was some discussion of changing the existing code from 20 minutes to 1 hour?

- i) Pit can be no larger than 3 ft in diameter and 2 ft deep.
- ii) Pit must be 25 ft away from any structure of combustible materials.
- iii) A water hose must be readily available.
- iv) Campfires must be constantly attended.
- v) Douse campfires with water and stir ashes to make sure it is completely wet, as fire can reignite from hot ashes underneath

H. Snow Tires. Owners shall inform renters from November 1- April 15 of the Utah Department of Transportation rules pertaining to snow tires requiring M/S or M+S tires, snow tires (3PMSF), and provide information to renters for social media links, and other information sites on weather and road conditions, and inform renters that rental cars do not provide M/S or M+S tires, snow tires (3PMSF), nor allow chains to be used on their vehicles. All service providers for short terms rentals including cleaning services shall be required to have snow tires from November 1- April 15.

I. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.

5.19.075 Parking and Parking Areas

A. Number of spaces required is two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms. For buildings with two dwelling units or less, the third and fourth spaces, when required, can be in tandem with the first two spaces required.

B. All parking must be on the property of the short-term rental. Required on-site parking areas and access to parking areas shall be maintained and available for use at all times, including snow removal, throughout the entire year. Parking is prohibited on grass or other flammable material.

C. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way or anyone else's property including resorts (unless written permission has been obtained); and

D. A map of parking areas and available number of spots shall be posted in a visible and conspicuous place within the dwelling indicating approved on-site parking spaces, and a copy of the map shall be given to all renters.

Commented [PM7]: Should snow tires be required in certain locations of short-term rentals from November 1- April 15, where STR cars frequently get stuck? Should that be the same standard for the service providers?

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Commented [PM8]: Does this apply in TOB? Remove?

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Commented [PM9]: There was the comment to require a camera of the parking areas. Is that something council wants to include?

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5.19.080 -- Exterior Nameplate sign and Interior signage.

A. One nameplate sign shall be permanently attached to the building in a conspicuous location near the front entrance of the short-term rental. The nameplate sign shall:

1. Provide the name and telephone number of

i. at least one responsible individual located within the county that can be contacted twenty-four hours a day, and

ii. the host compliance complaint hotline.

2. Contain the occupant load of the building as allowed by the International Building Code,
3. Be made of durable, weather resistant material,
4. ~~Not exceed three~~ Shall be eight and a half- inches by five and a half inches in dimension, and
5. Contain no advertising.

B. Interior Signage. Inside every short-term rental will be posted a set of guidelines as listed below. All guidelines are regulations which may be enforced.

This will be a framed document at least 8.5" wide by 11 long".

The following guidelines will be listed:

1. Contact information for the owner or property manager that can respond to a call within 1 hour.
2. Due to fire code, the Maximum Occupancy of people permitted in this unit (daytime occupants) is _____.

3. The maximum number of overnight guests is the smaller of the maximum occupancy or 15 adults.

4 Quiet hours in the Town of Brighton are 10pm-7:00am.

5. All vehicles must be parked on this property or will be towed at vehicle owner's expense.

6. The Town of Brighton is located in a very high fire hazard zone. All outdoor fires must be contained in a fire department approved pit. No fires can be made on the ground or left unattended and must be dosed with ample amounts of water so that a person can dig into the coals without being burned.

7. No fire ash may be dumped in dumpsters until mixed with water.

8. Due to the hazard of wild animals no trash or recycling can be left outdoors. Please place trash and recycling in the proper dumpsters as soon as possible. Please observe recycling protocols.

9. No Dogs are allowed in the Town of Brighton.

10. Roof avalanches are common around canyon homes. Beware of traveling between or under rooflines.

11. We welcome you to our town and hope you have a wonderful time. Thank you for being good neighbors.

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Commented [PM10]: In the subcommittee meeting there was discussion of how this would be displayed. It needs to be in a uniformed place so that UPD officer needs to be able to point to the notice so that they can enforce quiet hours. I updated the language so that it is the owners responsible to print and post, and it has to be at least typical paper size.

Commented [PM11]: I added this because it was discussed as a separate item.

5.19.83 – Required communication with Renters.

Prior to a renter coming to a short-term rental, the owner shall give the following information to the renter and get written confirmation from the renter that the information has been received and require the license plate number, and make and model of vehicles which will be parked on the short-term rental property.

1. Provide a map showing location of permitted parking spots on the property.
2. Owners shall inform renters from November 1- April 15 of the Utah Department of Transportation rules pertaining to snow tires requiring M/S or M+S tires, snow tires (3PMSF), and provide information to renters for social media links, and other information sites on weather and road conditions, and inform renters that rental cars do not provide M/S or M+S tires, snow tires (3PMSF), nor allow chains to be used on their vehicles.
3. No short-term rental in the Town of Brighton may be used for Special Events including commercial weddings, concerts, or parties.
4. The maximum number of overnight guests is the smaller of the maximum occupancy or 15 adults.
5. Quiet time in the Town of Brighton is from 10pm-7am and renters must maintain neighborhood peace and quiet.
6. There is no incidental camping permitted at the Short-term rental which means no overnight camping, sleeping in tents, travel trailers or recreation vehicles parked on the short term rental property.

Commented [PM12]: We discussed this generally in lieu of a onsite person to sign in renters. Do you want to include?

5.19.085 Recordkeeping Duties.

Owner shall maintain for a period of three years, records in such form as the Utah Tax Commission may require to determine the amount of transient room tax (TRT) owed to the Town. The Town shall have the right to inspect such records at all reasonable times. Such records shall be maintained at the owner or operator's premises or shall be available for delivery to the Town within one week after request.

5.19.090 - Separate violations.

For purposes of prosecution of violations of this chapter, each day that any violation occurs, or that applicable taxes and fees are unpaid, is deemed to constitute a separate violation.